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APPLICATION NO.	. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,362	11/14/2003	Eric Dickey	6333-67325	9159
7590 10/04/2006 KLARQUIST SPARKMAN, LLP One World Trade Center Suite 1600			EXAMINER	
			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
121 S. W. Saln		1762		
Portland, OR	97204	DATE MAILED: 10/04/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 14 November 2003. 2a)□ This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are objected to. 8)☑ Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * ○□ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No. 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.			Application No.	Applicant(s)				
Alain L. Bashore   Alain L. Ba	Office Action Summary		10/713,362	DICKEY ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Bankings of the may be a validate under the provisions of 37 CR 1.1360, in the vent, however, may any be through the provision of 37 CR 1.1360, in the vent, however, may any be through the provision of 1 the provis			Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensibility of which may be available under the provisions of 37 CPR 1.136(a), in no event, however, may a ratiply be limity field  - Eliverton for reply is specified above, the maximum studury period will apply and will expire 1x8 (b) MOTHS from the mailing date of this communication for reply is specified between the studence prediction to become ARABOONED (35 U.S. 2 ± 13).  Any may however by the time is not or extended period for raply will, by studen, case the application to become ARABOONED (35 U.S. 2 ± 13).  Any may however by the studence of the thin the normal studence prediction to become ARABOONED (35 U.S. 2 ± 13).  Any may however by the studence of the studence prediction of the communication, even if timely filled, may reduce any water prediction in the studence of the communication, even if timely filled, may reduce any common place to the studence of the communication, even if timely filled, may reduce any common place to the studence of the communication, even if timely filled, may reduce any common place to the studence of the communication, even if timely filled, may reduce any common place to the studence of the communication, even if timely filled, may reduce any even any reduce any even timely filled, may reduce any even timely filled, may reduce any even timely filled, may reduce the scale of the communication.  1) □ Responsive to communication for filled and the studence of the communication.  1) □ Claim(s) 1.20 is/are pending in the application.  4) □ Claim(s) 1.20 is/are pending in the application.  4) □ Claim(s) 1.20 is/are allowed.  1) □ Claim(s) 1.20 is/are allowed.  1) □ Claim(s) 1.20 is/are allowed.  1) □ Specification is objected to by the Examiner.  10 □ The specification is objected to by the Examiner.  10 □ The specification is objected to by the Examiner.  11 □ All 10   Specification is objected to by			Alain L. Bashore	1762				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available used the provision of 3 CPR 1.15(a), in no event, howers, may a reply be limely filed after SIX (8) MONTHS from the mailing date of this communication.  Failist or reply received by the Differ later than three months after the mailing date of this communication.  Failist or reply received by the Differ later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patter than adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 14 November 2003.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4(□ Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5(□ Claim(s) is/are allowed.  Claim(s) is/are rejected.  7(□ Claim(s) is/are rejected.  7(□ Claim(s) is/are are objected to.  8(□ Claim(s) 1-22 are subject to restriction and/or election requirement.  Application Papers  9(□ The specification is objected to by the Examiner.  10(□ The drawing(s) filed on is/are: a) accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required the drawing(s) is objected to. See 37 CFR 1.121(d).  11(□ Certified copies of the priority documents have been received.  2 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3 □ Acknowledgment is made of a claim for foreign priority documents have been received in this National Stage application from the International								
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## Election/Restrictions

- Restriction to one of the following inventions is required under 35 U.S.C.
  - Claims 14-19, drawn to process, classified in class 427, subclass
     162.
  - II. Claims 1-13, 20 drawn to apparatus, classified in class 118, subclass 688.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one that utilizing other than a first and second precursor.

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3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

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4. A telephone call was made to Mr. Jones on 9-29-06 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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## Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alain L. Bashore
Primary Examiner
Art Unit 1762